

PROFESSIONAL LIABILITY INSURANCE IN UZBEKISTAN

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Abstract

The activities of entrepreneurs are constantly exposed to all kinds of risks. Possible emergencies, natural disasters, and theft of an entrepreneur's property can cause him material losses. Insurance will help an entrepreneur to make up for such losses. This article provides information on documentation that allows you to judge the causes, course and consequences of the error, the nature and extent of the damage caused. Provide all possible assistance to the Insurer in judicial and out-of-court protection in case of claims for damages for an insured event.

Keywords: Insurance activities, social insurance, occupational risk, disability, disability.

Introduction

Insurance is a necessary element of industrial relations related to the compensation of material losses in the process of social production. According to the Law of the Republic of Uzbekistan "On Insurance Activities", "insurance is the protection of the interests of legal entities or individuals by paying them insurance compensation (insurance amount) in accordance with the insurance contract at the expense of funds formed from insurance premiums paid by them, upon the occurrence of a certain event (insured event)."

The purpose of insurance is to provide insurance protection to citizens, enterprises and institutions from insurance risks in the form of full or partial compensation for damage and losses caused by natural disasters, emergencies in various fields of human activity, as well as the payment of sums of money to citizens upon the occurrence of insurance events. The insurance system in Uzbekistan consists of voluntary and compulsory insurance. Compulsory state insurance is provided by government agencies, while voluntary insurance is provided by insurance companies of various forms of ownership.

Every entrepreneur is obliged to provide pension and social insurance for staff by paying a single social payment as a percentage of the wage fund. These funds are distributed between state trust funds and the Federation Council of Trade Unions in accordance with the procedure determined by the Ministry of Finance, the Ministry of Labor and Social Protection of the Population, the State Tax Committee and the Central Bank of the Republic of Uzbekistan

- Extra-budgetary Pension Fund - 24,2
- State Employment Assistance Fund - 0,5
- The Council of the Federation of Trade Unions - 0,3

When insuring business risks, the risk of not receiving the expected income from business activities is insured., in the following amounts.

Literature Review

However, many scientists have attempted to formulate the most general definition of an insurance contract. We believe that such a general concept was most successfully given by G. F. Shershenevich,

who defined that: [4]"An insurance contract is a contract by virtue of which one person, for a certain fee, undertakes to compensate for the damage that another's property may suffer from a known accident."^[5]

In essence, an insurance contract is considered as a way of transferring risk; a means by which the policyholder puts the insurer in relation to the insured thing in the position^[2] that he would occupy himself with self-insurance. The main purpose of insurance is to eliminate the economic danger, which may be of an uncertain nature, through the preparation of the necessary funds. To achieve this goal, the method of attracting mutual assistance from individuals is used to compensate for the losses of an individual by forming a certain reserve (insurance) reserve, from which such compensation will be paid, i.e. insurance is carried out. This common goal unites different types of insurance and allows us to talk about the possibility of identifying a single definition of an insurance contract.

A professional liability insurance contract, as a type of civil liability insurance, is aimed at compensating for losses incurred due to damage caused by non-performance or improper performance of professional duties.

Thus, a professional liability insurance contract should be understood as an agreement by virtue of which the insurer undertakes to compensate the beneficiary (the person to whom the policyholder bears civil liability) for the losses incurred upon the occurrence of an event stipulated in the contract (injury caused by the policyholder as a result of non-performance or improper performance of his professional activity). Each type of insurance contract has a special legal regulation that is economically determined. However, as O.S. Ioffe also noted, despite the differences, the unity of the material basis and the uniformity of goals lead to the legal uniformity of insurance contracts in general.^[6]

Indeed, along with the general insurance rules for property insurance, there are a number of special rules that are typical for professional liability insurance. As noted in the legal literature, the correct qualification of property insurance relations as property insurance relations, the definition of a specific type (subspecies) of property insurance makes it possible to resolve disputes most effectively. In this regard, the following court case is indicative, during which the court tried to determine the legal nature of the contract insurance. The outcome of the judicial dispute ultimately depended on the resolution of this issue. One of the reasons that caused difficulties was the apparent negligence of the parties to the agreement insurance, expressed in the fact that other concepts, similar in meaning, were used to denote some generally accepted concepts in civil law. It was this confusion of terms that the plaintiff tried to use during the retrial in order to obtain a favorable court decision. However, the court, having assessed the nature of the disputed insurance contract, concluded that there were no grounds for payment of insurance compensation and dismissed the claim.

Analysis

Insurance is one of the most dynamically developing areas of domestic business. There are 21 insurance companies in Uzbekistan that provide about 260 types of insurance services.

An insurance event is any event, regardless of its emotional coloring, that can lead to material costs or losses. The probability of such an event occurring is called insurance risk. The undesirable result of its occurrence is commonly referred to as damage.

Risk is an integral part of entrepreneurial activity. After all, in business, the probability of losses is as real as the opportunity to make a profit.

All the risks that an economic entity may face can be divided into four main groups:[9]

1. Loss of property (due to destruction or theft of both tangible and intangible assets);
2. Loss of income (due to a decrease in income or an increase in expenses due to an accident);
3. Legal liability to other persons, including employees of the company;
4. Loss of the company's leading employees (due to an accident, illness or death).

An entrepreneur can take measures aimed at reducing the risk or the amount of potential damage associated with it. But since it is impossible to completely exclude the possibility of losses, he must think about the question: how and by what means will possible losses be compensated?

In business practice, there are two possible answers to this question.

The first is risk-taking. This means that the entrepreneur prefers to compensate for losses at his own expense. To cover unforeseen losses, many enterprises take funds from current income, create reserve funds or contingency funds.

The second option is risk transfer, which avoids dangerous events. In this case, the losses are covered by funds received from external sources. The most well-known way of transferring risk is insurance.

Insurance in Uzbekistan is divided into two branches: life insurance and general insurance.

These types of insurance are successfully implemented by all insurance companies, the main of which are listed below.

List of the main insurance companies of the Republic of Uzbekistan[9]

1. Uzbekinvest National Export-Import Insurance Company
2. Uzagrosugurta State Joint Stock Insurance Company
3. The State Insurance company "Garantia"
4. Madad Insurance Agency
5. UzAIG Insurance Company
6. Universal sug'urta Insurance Company
7. Msk "Ishonch"
8. SSK Transinshurance
9. AZHSK
10. As much as Parvina Insurance
11. UNIPOLIS Insurance Company
12. Temir Yullari Insurance Agency
13. WPC "UZTINSHURANS"
14. Joint Stock Company "ARK Insurance Group"
15. insurance company "Toshkent Insurance"
16. ASKO-Vostok Insurance Company
17. SSK "ALSKOM"
18. ALFA-INVEST Insurance Company
19. O'zbekinvest Hayol Insurance Company

Minimum and maximum insurance rates (according to the results of a survey of insurance companies in Uzbekistan) Type of insurance Amount of insurance tariffs, % of the insured amount

1. Property insurance 0,2-2
2. Motor vehicle insurance 2-8
3. Cargo insurance 0,1-4
4. Accident insurance 0,2-3
5. Professional liability insurance 0,2-10.
6. Credit default risk insurance 5-15
7. Insurance of the risk of loan default by agricultural producers[9]

In conclusion, Thus, a systematic analysis of the legal norms governing professional activity allows us to conclude that the policyholders under the professional liability insurance contract are legal entities and capable individuals who have concluded insurance contracts.[1]

In addition, a professional liability insurance contract must be qualified as a contract in favor of a third party beneficiary, which is always the victim, even if the contract is concluded in favor of the policyholder or the arbitration administrator responsible for causing harm[3] in cases where he does not act as the policyholder in a legal relationship. It follows from this that the injured person, regardless of the will of the parties to the contract, can make an independent claim for payment to the insurer.

References

1. Денисюк С. П. Правовое регулирование договора страхования в Российской Федерации (вопросы теории и практики) / С. П. Денисюк // Вестник СанктПетербургской юридической академии. 2020. № 3 (48). С. 51–55.
2. Брагинский М. И. Договор страхования: учебник / М. И. Брагинский. Москва : Юрайт, 2006. 245 с.
3. Фогельсон Ю. Б. Договор страхования в российском гражданском праве: автореф. дис. ... д-ра юрид. наук / Ю. Б. Фогельсон. Москва, 2005. 62 с.
4. Шершеневич Г. Ф. Учебник русского гражданского права / Г. Ф. Шершеневич. Москва : Спарт, 1995. 556 с.
5. Денисюк С. П. Договорное право: учебное пособие / С. П. Денисюк, А. Е. Толстова. — Санкт-Петербург : АНО ВО «СЮА», 2020. — 108 с.
6. Иоффе О. С. Обязательственное право / О. С. Иоффе. Москва : Юридическая литература, 1975 // Российская государственная библиотека [сайт]. URL: <https://search.rsl.ru/ru/record/01006959821?ysclid=lnbjecfl3e550998469> (дата обращения: 22.09.2023).
7. Андреев Ю. Н. Имущественное страхование: теория и судебная практика / Ю. Н. Андреев. Москва : Ось-89, 2011. 352 с.
8. Постановление Федерального арбитражного суда Уральского округа от 22.07.2021 № Ф09-2291/21-ГК // Справочно-правовая система «Консультант Плюс».
9. https://studexpo.net/26761/strahovanie/strahovanie_uzbekistane